



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING**

Tuesday February 6, 2018

**103 Water St. Elephant Butte, NM 87935**

**Call to Order** – Chairman Looney called to order 09:00am

**Roll Call-**

Chairman Charles Looney – Present  
Vice Chairperson Cathy Vickers – Present  
Commissioner Mario Maez – Present  
Commissioner Sheridan Fuss - Present  
Commissioner Rick Harrison - Absent  
Alternate Commissioner Nathan La Font – Present- Voting member today

**PLEDGE OF ALLEGIANCE -**

**DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT**

*\*The Open Meetings Act is in effect and there is a three minute limit per speaker on all non-agenda items.*

**Approval of Agenda** – Motion to correct the minutes reference date of January 2, 2017 to January 2, 2018 by Commissioner Vickers. Motion to correct the spelling of Commissioner Mario Maez’s name on the agenda by Commissioner LaFont. Commissioner Vickers made motion to approve the agenda with corrections. Seconded by Commissioner Fuss Motion Carried Unanimously 5-0

**Approval of Minutes January 2** – Commissioner Vickers made motion to approve Regular Meeting minutes of January 2, 2018, Seconded by Commissioner LaFont. Motion Carried Unanimously 5-0.

**Public Input** – Citizen Don Schurter of 428 Mescal Loop in Elephant Butte NM, requested speed bumps be placed in his neighborhood or additional remedy for speed control. Chairperson Looney asked if the city installs speed bumps is there a liability. Mayor Kent explained the city council has looked into the speed bumps process which were costly. She indicated we need to call the Sheriff’s Office to be sure they are enforcing the speed limit. She requested Code Enforcement contact the Sheriffs Office to request patrols of Mescal to enforce the speed limit. Mr. Schurter requested they come around the hour of 5pm as that’s when most people are heading home.

Mr. Schurter indicated speed limit signs had been placed in the recent past, but he said the traffic speeding has not been affected. Mayor Kent explained her knowledge of the process regarding studies and certain criteria has to be met prior to installation of speed bumps. Commissioner LaFont explained his personal experience with speed bumps and their longevity on a dirt road. He suggested “kids at play” signs, as with his experience, people pay more attention to those. He

mentioned private residents that build their own dirt berms to slow down traffic. Fire Chief Boone contacted the Sheriff's Office during the meeting and stated the Deputies will be enforcing this area more to assist with the speeding concerns.

**Manager's Report** – Mayor Kent gave the managers report. She stated she is sitting in today due to the vacant position of City Manager. She explained there are job advertisements placed in various locations within and outside of the state of New Mexico to fill this position. We have received about 10 applications at this time and city council is reviewing those resumes. She indicated they are looking for ordinance experience, land use experience, planning and zoning experience as well.

The Mayor indicated she will be meeting with department heads this Friday to discuss items that need to be accomplished in each area. She stated Councilwoman Skinner and herself conducted an audit on the budget yesterday. She stated we need to tighten the budget.

She explained Planning and Zoning Training will be on March 14, 1-4pm at the City of Elephant Butte Chambers by the Municipal League Attorney Randy Vanfleck. She encouraged everyone to mark their calendars to attend the meeting. Commissioner LaFont indicated he believes that in order to be a part of the Planning and Zoning Commission, everyone needs to attend the training. He requested that if they have not taken the training in 3-6 month time period they should step down from the position. Mayor Kent and Commissioner Vickers both indicated they agree. Chairperson Looney indicated it's a very beneficial training.

Mayor Kent stated we have a critical need for Land Use Expertise. She stated that Fire Chief Toby Boone and Code Enforcement Officer Morgan Spencer have been trying to carry those duties along with their Code Enforcement Duties. She indicated she will be speaking with the City Council for options to fill a Land Use Position or to get additional training for the Code Enforcement Officers in this area. Commissioner LaFont suggested contracting those duties out to a third party. Mayor Kent mentioned that is something they are looking into as well.

Commissioner LaFont indicated that in the past, when they would ask Land Use questions, a response would take a month or longer to get back to the commission. Mayor Kent asked that the Planning and Zoning Commission establish a timeline for someone to get a response back to them which needs to be recorded in the meeting minutes. If that person doesn't get back to them within that time frame, she requested that the Commission bring that to her attention. She stated that due to the commission meeting once a month, we cannot wait for 3 months for things to be resolved. We need to get answers to the constituents in a timely manner. She explained the Commission is here to make decisions and enforcement on what our policies and procedures are and they need the support that's required to get that accomplished.

**Code Enforcement Report** – Code Enforcement Officer Morgan Spencer gave the Code Enforcement Report. Fire Chief Toby Boone explained the format of the report

and the new software (called "Iworq") that is utilized to make the report and assist us with documenting our call load.

Mayor Kent mentioned the Animal Control budget will be discussed in the City Council meeting. The commission discussed Animals at large concerns within the city and how we can re-coup costs paid for contract services to Truth or Consequences Animal Control. After much discussion the Commission determined we will need to discuss at the next meeting and requested we put it in the March Agenda.

**Zoning permit update-** Morgan Spencer gave the Zoning Permit update. 12 permits have been issued since the beginning of January. Fire Chief Toby Boone indicated the next report will have the names of the individuals removed and only the addresses displayed for privacy purposes. Commissioner LaFont asked if any pending or cancelled permits would they be on the list. Fire Chief Toby Boone stated those permits will be on the list and will be presented to the Planning and Zoning Commission.

Chairman Looney asked what the time period is for the zoning permits. Fire Chief Toby Boone stated the permits are good for 1 year. Commissioner Vickers stated 1 year to start the process or complete the process. Chief Boone indicated its 1 year to complete the project and if an extension is needed, the owner will need to speak with the Planning and Zoning Commission.

The permit for Steve Bell was discussed. Chief Boone indicated that Mr. Bell has a 5-year permit that was issued by Alan Briely, the previous City Manager. The permit is for dirt work only (clearing and grading the land for the RV Resort). Mr. Bell does not have a permit for building construction right now. The Floodplain Manager for Sierra County and Fire Chief Boone met with Mr. Bell who was informed he needs to be 1 foot above base flood elevation prior to building on the land. Mr. Bell is clearing the arroyo (which he is allowed to do per the Floodplain Manager). Mayor Kent stated that all communication with Mr. Bell and the City is in writing and filed in the Code Enforcement Office.

**Commissioner Comments -**

Commissioner Lafont indicated that Spaceport will be presenting a bill, "Spaceport Privacy Act" to the Senate Judiciary Committee tomorrow. The purpose of the bill is to maintain the confidentiality of potential clients and subcontractors doing work at the spaceport.

A support group has also been formed, of business members from Las Cruces and Albuquerque, to assist with promoting the Spaceport.

Mayor Kent brought up details about the Spaceport website needing to be monitored due to comments posted. She requested Commissioner Lafont give feedback to the Spaceport about their website.

Commissioner Vickers asked how the city's interest in the Golf Course is going. Mayor Kent gave a report regarding the Golf Course. She had a comparison of previous financials conducted and January 2017 and 2018. She stated there are promotions of Golf Tournaments and methods to promote the area going on. The Council is discussing the options for making the Golf Course successful. Commissioner LaFont suggested that at the 1 year point the city provide a transparent letter showing the status of the Golf Course for the constituents. Mayor Kent agreed.

**Regular Items –**

**Nuisance Ordinance– Discussion/possible action-** Morgan Spencer gave a summary of the nuisance ordinance and the changes. Fire Chief Toby Boone explained that our department was asked to change the ordinance to be in line with the state statutes. He explained the change of the 30-day notice for remedy to change it to 10 days do bring the city up to code quicker. Commission was asked for input or any additional changes and they will provide that by next meeting. Commissioner Lafont asked that we check the cross referencing in other ordinances to be sure its reflected properly. All comments from commissioners will be emailed to the Code Enforcement Officers prior to next meeting. He requested that the city contract a Land Use Professional to view the entire ordinance with a sub-group of the Planning and Zoning Commission and the Zoning Officials to bounce ideas off of each other to make an organized set of ordinances. Commissioner Vickers, and Mayor Kent agreed with Commissioner LaFont.

**Comprehensive Plan – Discussion/possible action-** Mayor Kent requested we get Phyllis with Site Southwest to meet with us in a separate meeting to discuss the key areas in the Comp Plan. Mayor requested that any comp plan changes to be emailed to Morgan Spencer who will collaborate with Site Southwest to have them update the maps or any other changes. Chairman Looney said they are up for a separate Tuesday meeting with Site Southwest. Commissioner Fuss stated they all had input at one point in the past with the previous city manager. Commissioner Lafont requested that Phyllis send us a copy with the changes they made. Mayor Kent requested that Toby Boone locate the documents in the City Managers computer from the Commissioners and Counselors that reflected their changes. All of the commissioners indicated they submitted a hard copy to the previous city manager. Toby Boone indicated he will have an update by the next meeting to be sure we have all of the changes reflected in the current Comp Plan.

**Adjustments to Drone Ordinance - Discussion/possible action-** This topic was tabled and will be discussed in the next meeting. Commissioner Vickers moved to table and Commissioner Maez 2<sup>nd</sup> the motion.

**New Business –**

**Zoning Permit Application-** Fire Chief Toby Boone explained changes made to the current Zoning Permit Application (Land Use Application) which were in regard to grammatical errors and reflecting the correct ordinance number on the application. Commissioner Vickers brought up a spelling error to correct on the form. She

indicated the requiring the location of the Septic tank may be costly and she didn't believe this was a requirement in the past. She requested that this be re-visited. Fire Chief Boone indicated we will look into it. Also, Chief Boone indicated he will put the information about the " valid for 1 year "information on the application.

An informational email was requested by Commissioner LaFont for all of the board members to have a heads up about any commercial permits or large projects that they may be questioned on in between meetings.

Fire Chief Toby Boone gave a notice to the board that on the next meeting there will be a gentleman in the next meeting possibly asking for a zone change. He will present his type of business at the next meeting which is at a property zoned Special Use Area and he would like it to be commercial.

**Red Lot-** Code Enforcement Morgan Spencer explained two construction projects in process on lots designated Red Lots. Commissioners indicated that they have been involved with this discussion before and they believed there was criteria set for the red lots. Commissioner Vickers indicated there is a process for red lots in existence and we will visit any additional requirements at next meeting. Commissioner Lafont located a reference in his email from 2015 which assisted in locating the ordinance 157 which refers to Red Lot processes. (Note: After the meeting Chapter 157 of the ordinance was located which pertains to red lots)

#### **Old Business –**

**Storage Containers-** Discussion was given by Code Enforcement Officer Morgan Spencer regarding the enforcement status of the storage container ordinance. A specific concern was brought up to Morgan regarding if a "Pod Like" business is allowed in the city. A pod like business is a storage container (used like a u-haul business) for residential moving. Morgan asked if we need to have a special permit for this type of use, or should we allow commercial use of storage containers. Commissioner LaFont and Fuss discussed the size of those type of containers and a possibility of putting a time frame for that pod or container to be allowed at a residence if its owned by a commercial business. Morgan Spencer suggested to make a separate definition for storage containers and suggesting a commercial permitted use. This will be presented in a future agenda March or April depending on the agenda. Commissioner Lafont suggested we put a limit on numbers of containers. Commissioner Fuss requested Code Enforcement write an ordinance, send the commission an emailed preliminary copy, then discuss on April Agenda.

Old Business brought up by Chairperson Looney was about the status of the name change of the street Grizzly Ln. Code Enforcement Officer Morgan Spencer indicated the neighboring properties of 1313 Grizzly Ln have been contacted and a copy of the legal easement was obtained for our files as well. The city manager provided a letter to the property owner about the name change being approved by the city as well.

Commissioner LaFont requested assistance with the street Butte Blvd be corrected with USPS because of common shipping confusion in our area. Commonly, when making an online purchase the addressing is being rejected due to addresses not existing in records. Fire Chief Boone stated we will attempt to contact google to verify methods to correct this issue.

**Adjournment** – Motion to adjourn meeting made by Commissioner LaFont seconded by Commissioner Fuss. Meeting adjourned at 11:02am.